

House File 2338 - Introduced

HOUSE FILE 2338
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 591)

(COMPANION TO SF 2241 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

- 1 An Act relating to the apportionment of district associate
- 2 judges.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.6301, Code 2022, is amended to read
2 as follows:

3 **602.6301 Number and apportionment of district associate**
4 **judges.**

5 1. ~~There shall be one district associate judge in counties~~
6 ~~having a population of more than thirty-five thousand and less~~
7 ~~than eighty thousand; two in counties having a population of~~
8 ~~eighty thousand or more and less than one hundred twenty-five~~
9 ~~thousand; three in counties having a population of one~~
10 ~~hundred twenty-five thousand or more and less than one hundred~~
11 ~~seventy thousand; four in counties having a population of one~~
12 ~~hundred seventy thousand or more and less than two hundred~~
13 ~~fifteen thousand; five in counties having a population of two~~
14 ~~hundred fifteen thousand or more and less than two hundred~~
15 ~~sixty thousand; six in counties having a population of two~~
16 ~~hundred sixty thousand or more and less than three hundred~~
17 ~~five thousand; seven in counties having a population of three~~
18 ~~hundred five thousand or more and less than three hundred~~
19 ~~fifty thousand; eight in counties having a population of three~~
20 ~~hundred fifty thousand or more and less than three hundred~~
21 ~~ninety-five thousand; nine in counties having a population of~~
22 ~~three hundred ninety-five thousand or more and less than four~~
23 ~~hundred forty thousand; ten in counties having a population of~~
24 ~~four hundred forty thousand or more and less than four hundred~~
25 ~~eighty-five thousand; and one additional judge for every~~
26 ~~population increment of thirty-five thousand which is over~~
27 ~~four hundred eighty-five thousand in such counties. However,~~
28 ~~a county shall not lose a district associate judgeship solely~~
29 ~~because of a reduction in the county's population. If the~~
30 ~~formula provided in [this section](#) results in the allocation~~
31 ~~of an additional district associate judgeship to a county,~~
32 ~~implementation of the allocation shall be subject to prior~~
33 ~~approval of the supreme court and availability of funds to the~~
34 ~~judicial branch. The supreme court shall prescribe, subject~~
35 ~~to the restrictions of this section, a formula to determine~~

1 the number of district associate judges who will serve in each
 2 judicial election district. The formula shall be based upon
 3 a model that measures and applies an estimated case-related
 4 workload formula of judicial officers, and shall account for
 5 administrative duties, travel time, and other judicial duties
 6 not related to a specific case. A district associate judge
 7 appointed pursuant to [section 602.6302](#) or [602.6307](#) shall not
 8 be counted for purposes of [this section](#) and the reduction of
 9 a district associate judge pursuant to [section 602.6303](#) also
 10 shall not be counted for purposes of [this section](#).

11 2. For purposes of this section, a vacancy means the death,
 12 resignation, retirement, or removal of a district associate
 13 judge, or the failure of a district associate judge to be
 14 retained in office at the judicial election, or an increase in
 15 judgeships under the formula prescribed in subsection 1.

16 3. In those judicial election districts having more
 17 district associate judges than the number of judgeships
 18 specified by the formula prescribed in subsection 1, vacancies
 19 shall not be filled.

20 4. In those judicial election districts having fewer or
 21 the same number of district associate judges as the number of
 22 judgeships specified by the formula prescribed in subsection 1,
 23 vacancies in the number of district associate judges shall be
 24 filled as the vacancies occur.

25 5. In those judicial districts that contain more than one
 26 judicial election district, a vacancy in a judicial election
 27 district shall not be filled if the total number of district
 28 associate judges in all judicial election districts within
 29 the judicial district equals or exceeds the aggregate number
 30 of judgeships to which all of the judicial election districts
 31 of the judicial district are authorized by the formula in
 32 subsection 1.

33 6. An incumbent district associate judge shall not be
 34 removed from office because of a reduction in the number of
 35 authorized judgeships specified by the formula prescribed in

1 subsection 1.

2

EXPLANATION

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The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5

This bill relates to the apportionment of district associate
6 judges. The bill provides a new formula to be prescribed
7 when appointing judges based upon a weighted workload. Under
8 current law, district associate judges are apportioned based
9 upon county population. The bill defines the term "vacancy"
10 to mean the death, resignation, retirement, or removal of
11 a district associate judge, or the failure of a district
12 associate judge to be retained in office at the judicial
13 election, or an increase in judgeships.

14 The bill provides that in districts that currently have more
15 district associate judges than the new formulas prescribed,
16 vacancies shall not be filled and incumbents shall not
17 be removed because of a reduction in number of authorized
18 judgeships, while districts having fewer or the same shall
19 fill vacancies as they occur. In judicial districts that
20 contain more than one judicial election district, a vacancy in
21 a judicial election district shall not be filled if the total
22 number of district associate judges in all judicial election
23 districts within the judicial district equals or exceeds the
24 aggregate number of judgeships to which all of the judicial
25 election districts of the judicial district are authorized.